

REMARKS

This is a full and timely response to the final Office Action of December 5, 2008.

Reexamination, reconsideration, and allowance of the application and all presently pending claims are respectfully requested.

Upon entry of this Third Response, claims 1-20, 22, 23, 25-28, 31, and 32-35 are pending in this application, and claim 28 is allowed. Claims 1, 4, 9, 12-16, 23, 25, and 27 are directly amended herein and claims 33-35 are newly added. It is believed that the foregoing amendments add no new matter to the present application.

Response to §103 Rejections

In order for a claim to be properly rejected under 35 U.S.C. §103, the combined teachings of the prior art references must suggest all features of the claimed invention to one of ordinary skill in the art. See, e.g., *In Re Dow Chemical Co.*, 837 F.2d 469, 5 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1988), and *In re Keller*, 642 F.2d 413, 208 U.S.P.Q. 871, 881 (C.C.P.A. 1981). In addition, "(t)he PTO has the burden under section 103 to establish a *prima facie* case of obviousness." *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

Claim 1

Claim 1 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* (U.S. Patent No. 6,236,726) further in view of *Gundrum* (U.S. Patent No. 7,433,412). Claim 1, as amended, reads as follows:

1. A communication system, comprising:
 - a central office transceiver;
 - an intermediate terminal transceiver;
 - a feeder distribution interface coupled to the central office transceiver and the intermediate terminal transceiver;
 - a first customer transceiver ***residing at a first customer premises*** and coupled through the feeder distribution interface to the central office transceiver;
 - a second customer transceiver ***residing at a second customer premises*** and coupled through the feeder distribution interface to the intermediate terminal transceiver;
 - memory for storing data based on an estimated distance between the central office transceiver and the feeder distribution interface and an estimated distance between the intermediate terminal transceiver and the feeder distribution interface;*** and
 - logic configured to estimate a distance of a data path between the intermediate terminal transceiver and the second customer transceiver based on a signal transmitted via the data path, the logic further configured to control, based on the data and the estimated distance of the data path, a power output of the intermediate terminal transceiver for a signal transmitted by the intermediate terminal transceiver through the feeder distribution interface to the second customer transceiver thereby ensuring that the signal transmitted by the intermediate terminal transceiver is spectrally compatible with at least one signal transmitted by the central office transceiver through the feeder distribution interface to the first customer transceiver.*** (Emphasis added).

Applicants respectfully assert that the cited art fails to suggest at least the features of pending claim 1 highlighted hereinabove. Thus, the 35 U.S.C. §103 rejection of claim 1, as amended, is improper.

In this regard, it is asserted in the Office Action that:

“Darveau teaches memory for storing data based on an estimated distance between the at least one central office transceiver and the feeder distribution interface and an estimated distance between the at least one intermediate terminal transceiver and the feeder distribution interface; (col. 9, line 60 – col. 10, line 2). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Darveau's storing to provide quality retrieval and forwarding of data within the system."

The cited section of *Darveau* discloses a database that stores information regarding the actual distance between transceivers. However, there is nothing in *Darveau* to indicate or suggest that the data in the disclosed database is based on both an estimated distance between a "central office transceiver" and a "feeder distribution interface" and an estimated distance between an "intermediate terminal transceiver" and the same "feeder distribution interface." In fact, *Darveau* does not even appear to mention or disclose an "intermediate terminal transceiver" that is coupled to the same "feeder distribution interface" as a "central office transceiver." The estimated distance in the database of *Darveau* appears to be between a central office transceiver and a customer transceiver. Indeed, *Darveau* specifically teaches that the "database contains information regarding the actual distance of individual subscriber units from the central location 10." See column 9, lines 61-63. Even if *Darveau* is modified to include an "intermediate terminal transceiver," as alleged in the Office Action, the cited art and, in particular, *Darveau* provide no reason or motivation for storing in the alleged "memory" data that is based on an estimated distance between the "intermediate terminal transceiver" and the alleged "feeder distribution interface." Thus, the Office Action fails to establish a *prima facie* case of obviousness.

In addition, it is acknowledged in the Office Action that the alleged combination of the admitted prior art and *Darveau* fails to teach "estimating a distance of a data path between the intermediate terminal transceiver and one of the customer transceivers, the logic further configured to adjust, based on the estimated distance, a power output of the at least one intermediate terminal transceiver in order to maintain a specified performance margin of the at least one central office transceiver." However, it is alleged in the Office Action that the features missing from the combination of the admitted prior art and *Darveau* are taught by *Gundrum*. In particular, it is alleged that:

"Gundrum teaches (col. 4, lines 16-33) estimating a distance of a data path between the intermediate terminal transceiver and one of the customer transceivers, the logic further configured to adjust, based on the estimated distance, a power (col. 2, lines 26-39) output of the at least one intermediate terminal transceiver in order to maintain a specified performance margin of the at least one central office transceiver."

Applicants respectfully disagree. In this regard, there is nothing in the cited sections of *Gundrum* to suggest logic that estimates a distance of a data path between any two transceivers. In addition, there is nothing in the cited sections of *Gundrum* to suggest that any such hypothetical logic should control, based on the estimation, the power output of any transceiver for a signal transmitted by the transceiver to a customer transceiver. At column 2, lines 26-39, *Gundrum* teaches that "(a)s the length of a copper pair is extended, the signal power decreases in intensity." In other words, a copper pair attenuates a signal propagating along the pair. Moreover, the "decrease in intensity" is not caused by logic that estimates the length of the pair but is instead caused by the propagation of the signal along the pair. Thus, the foregoing teaching of *Gundrum* is insufficient for suggesting logic that estimates a distance of a data path based on a signal transmitted via the data path and then controls a power output of a transceiver based on such estimation.

Further, even if it is assumed for the sake of argument that it would be obvious to modify *Gundrum* such that the power output of a transceiver is controlled based on an estimation of a distance of a data path using a signal transmitted via the data path, as alleged in the Office Action, the cited art as a whole is nevertheless insufficient for suggesting each feature of claim 1. In this regard, using the reasoning of the alleged teachings of the cited art for such a hypothetical system, the power output of a transceiver would apparently be controlled based on its own distance from a far-end transceiver. Thus, even if an alleged "intermediate terminal transceiver" is modified to control its power output based on an estimated distance between the "intermediate terminal transceiver" and a "customer transceiver," the cited art provides no reason or motivation

for controlling such power output based on a distance between a "central office transceiver" and a "feeder distribution interface." Thus, the alleged combination fails to suggest at least the combination of controlling, based on "data," a power output of an "intermediate terminal transceiver for a signal transmitted by the intermediate terminal transceiver through the feeder distribution interface to the second customer transceiver" ***wherein the data is based on an "estimated distance between the central office transceiver and the feeder distribution interface,"*** as recited by claim 1. (Emphasis added).

In addition, *Gundrum* fails to suggest that the power output of an "intermediate terminal transceiver" should be controlled in a manner to ensure that a signal transmitted by the "intermediate terminal transceiver" to a customer transceiver at one customer premises is spectrally compatible with a signal transmitted by a "central office transceiver" to a customer transceiver residing at another customer premises. Further, the admitted prior art and *Darveau* do not remedy such deficiency of *Gundrum*. Thus, the cited art fails to suggest at least "a first customer transceiver ***residing at a first customer premises,***" "a second customer transceiver ***residing at a second customer premises,***" and "logic" that is configured to control a power output of "an intermediate terminal transceiver" based on "data and the estimated distance" in order to ***ensure "that the signal transmitted by the intermediate terminal transceiver (to the second customer transceiver) is spectrally compatible with at least one signal transmitted by the central office transceiver through the feeder distribution interface to the first customer transceiver,"*** as recited by claim 1. (Emphasis added).

For at least the above reasons, Applicants respectfully assert that the alleged combination of the admitted prior art, *Darveau*, and *Gundrum* is inadequate for suggesting each feature of claim 1, as amended. Accordingly, the 35 U.S.C. §103 rejection of claim 1 should be withdrawn.

Claims 2-6, 31, and 33-35

Claims 2-6 and 31 presently stand rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. In addition, claims 33-35 have been newly added via the amendments set forth herein. Applicants submit that the pending dependent claims 2-6, 31, and 33-35 contain all features of their respective independent claim 1. Since claim 1 should be allowed, as argued hereinabove, pending dependent claims 2-6, 31, and 33-35 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). In addition, these dependent claims recite features that are not suggested by the cited art.

For example, claim 31 recites “wherein the logic is configured to determine a difference between the estimated distance of the data path and the estimated distance between the intermediate terminal transceiver and the feeder distribution interface, and wherein the logic is configured to control the power output based on the difference.” Applicants respectfully assert that the cited art fails to suggest each of the foregoing features of claim 31. Thus, the 35 U.S.C. §103 rejection of claim 31 is improper and should be withdrawn, notwithstanding the allowability of independent claim 1.

Claim 7

Claim 7 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Claim 7 reads as follows:

7. A data communication system having a central office transceiver residing at a central office and an intermediate terminal transceiver residing at an intermediate terminal, the central office and intermediate terminal transceivers coupled through a feeder distribution interface to customer transceivers, comprising:

means for determining a distance between the intermediate terminal transceiver and the feeder distribution interface and a distance between the central office transceiver and the feeder distribution interface; and

power reduction means for automatically reducing a transmission power of the intermediate terminal transceiver, based on each of the determined distances, in order to ensure that signals transmitted by the intermediate terminal transceiver are spectrally compatible with signals transmitted by the central office transceiver. (Emphasis added).

Applicants respectfully assert that the cited art fails to suggest at least the features of pending claim 7 highlighted hereinabove. Thus, the 35 U.S.C. §103 rejection of claim 7, as amended, is improper.

In rejecting claim 7, it is asserted in the Office Action that:

“The admitted prior art does not teach means for determining distances between the transceivers and the feeder distribution interface; and power reduction means for automatically reducing a transmission power of at least one of the intermediate terminal transceivers, based on the determined distances, in order to maintain a specified performance margin for the central office transceivers.

Gundrum teaches (col. 4, lines 16-33) means for determining distances between the transceivers and the feeder distribution interface; and power reduction means for automatically reducing a transmission power (col. 2, lines 26-39) of at least one of the intermediate terminal transceivers, based on the determined distances, in order to maintain a specified performance margin for the central office transceivers. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the admitted prior art to include Gundrum’s communication system with the transceivers transmitting within the same cable to minimize crosstalk or impedance problems within the system.”

Applicants respectfully disagree. In this regard, there is nothing in the cited sections of *Gundrum* to suggest any means for determining a distance of a data path between any two transceivers. In addition, there is nothing in the cited sections of *Gundrum* to suggest any means for reducing a transmission power of an “intermediate terminal transceiver” based on the estimation. At column 2, lines 26-39, *Gundrum* teaches that “(a)s the length of a copper pair is extended, the signal power decreases in intensity.” In other words, transmitting a signal across a copper pair attenuates the signal. Such a phenomenon is a natural aspect of signal transmission, and the foregoing teaching of *Gundrum* is insufficient for suggesting any means for determining the distance between transceivers.

Further, even if it is assumed for the sake of argument that it would be obvious to modify *Gundrum* such that the transmission power of a transceiver is reduced based on a determined distance between transceivers, as alleged in the Office Action, the cited art as a whole is nevertheless insufficient for suggesting each feature of claim 7. In this regard, using the reasoning of the alleged teachings of the cited art for such a hypothetical system, the transmission power of a transceiver would apparently be controlled based on its own distance from a far-end transceiver. Thus, even if the transmission power of an alleged "intermediate terminal transceiver" is reduced based on a distance from the "intermediate terminal transceiver" to a far-end transceiver, the cited art provides no reason or motivation for reducing or otherwise controlling such transmission power based on distance between a "central office transceiver" and a "feeder distribution interface." Thus, the alleged combination fails to suggest at least "means for determining a distance between the intermediate terminal transceiver and the feeder distribution interface and a distance between the central office transceiver and the feeder distribution interface" and "power reduction means for automatically reducing a transmission power of the intermediate terminal transceiver, **based on each of the determined distances**, in order to ensure that signals transmitted by the intermediate terminal transceiver are spectrally compatible with signals transmitted by the central office transceiver," as recited by claim 1. (Emphasis added).

In addition, *Gundrum* fails to suggest that the transmission power of an "intermediate terminal transceiver" should be controlled in a manner to ensure that signals transmitted by the "intermediate terminal transceiver" are spectrally compatible with signals transmitted by a "central office transceiver." Further, the admitted prior art and *Darveau* do not remedy such deficiency of *Gundrum*. Thus, the cited art fails to suggest at least "power reduction means for automatically reducing a transmission power of the intermediate terminal transceiver, based on each of the determined distances, in order to **ensure that signals transmitted by the intermediate terminal**

transceiver are spectrally compatible with signals transmitted by the central office

transceiver,” as recited by claim 1. (Emphasis added).

For at least the above reasons, Applicants respectfully assert that the alleged combination of the admitted prior art, *Darveau*, and *Gundrum* is inadequate for suggesting each feature of claim 1, as amended. Accordingly, the 35 U.S.C. §103 rejection of claim 1 should be withdrawn.

Claim 8

Claim 8 presently stands rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Applicants submit that the pending dependent claim 8 contains all features of its independent claim 7. Since claim 7 should be allowed, as argued hereinabove, pending dependent claim 8 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 9

Claim 9 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Claim 9 reads as follows:

9. A system for communicating between transceivers, comprising:
a first transmitter configured to transmit signals to a first customer transceiver over a first communication connection that is bound within a binder, the first customer transceiver residing at a first customer premises; and
logic configured to estimate a distance of a data path between the first transmitter and the first customer transceiver ***based on at least one signal communicated over the data path, the logic further configured to control, based on the estimated distance, a transmission power level of the first transmitter for a signal transmitted by the first transmitter to the first customer transceiver, a distance between the first transmitter and a feeder distribution interface, and a distance between a second transmitter and the feeder distribution interface*** thereby ensuring that signals transmitted by the first transmitter to the first customer transceiver are spectrally compatible with signals

transmitted from the second transmitter to a second customer transceiver over a second communication connection that is bound within the binder, the second customer transceiver residing at a second customer premises. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 7, Applicants respectfully submit that the cited art fails to suggest at least the features of claim 9 highlighted above. Thus, the 35 U.S.C. §103 rejection of claim 9 is improper and should be withdrawn.

Claims 10-15

Claims 10-15 presently stand rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Applicants submit that the pending dependent claims 10-15 contain all features of their respective independent claim 9. Since claim 9 should be allowed, as argued hereinabove, pending dependent claims 10-15 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 16

Claim 16 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau*. Claim 16 reads as follows:

16. A communication method, comprising the steps of:
 - establishing a communication session between a first transceiver and a second transceiver, the first transceiver residing at a first premises and the second transceiver residing at a second premises;
 - communicating, during a training phase of the communication session, at least one signal between the first and second transceivers over a first communication connection that is bound via a binder, the communicating step comprising the step of transmitting at least one signal from the first transceiver at a default power level;
 - estimating a distance of a data path between the first and second transceivers based on at least one signal communicated in the communicating step;

controlling a transmission power level for the first transceiver ***based on the estimated distance of the data path, an estimated distance between the first transceiver and a feeder distribution interface, and an estimated distance between the feeder distribution interface and a third transceiver***, such that signals transmitted by the first transceiver over the data path at the adjusted transmission power level are spectrally compatible with signals transmitted by the third transceiver to a fourth transceiver over a second communication connection that is bound by the binder, the third transceiver residing at a third premises and the fourth transceiver residing at a fourth premises; and transmitting at least one signal from the first transceiver during a data phase of the communication session. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 7, Applicants respectfully submit that the cited art fails to suggest at least the features of claim 16 highlighted above. Thus, the 35 U.S.C. §103 rejection of claim 16 is improper and should be withdrawn.

Claims 17-19

Claims 17 and 18 presently stand rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. In addition, claim 19 presently stands rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over admitted prior art in view of *Darveau* and further in view of *Gundrum* and *Terry* (U.S. Patent No. 6,339,613). Applicants submit that the pending dependent claims 17-19 contain all features of their respective independent claim 16. Since claim 16 should be allowed, as argued hereinabove, pending dependent claims 17-19 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 20

Claim 20 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Claim 20 reads as follows:

20. A method for providing spectrum management in a data communication system having central office transceivers and intermediate terminal transceivers coupled through a feeder distribution interface to customer transceivers, the method comprising the steps of:

determining a first distance between one of the central office transceivers and the feeder distribution interface;

determining a second distance between one of the intermediate terminal transceivers and the feeder distribution interface;

automatically determining a third distance between the one intermediate terminal transceiver and one of the customer transceivers; and

ensuring spectral compatibility between signals transmitted by the one intermediate terminal transceiver and signals transmitted by the one central office transceiver, the ensuring step comprising the step of ***automatically controlling, based on each of the determined distances, a transmission power of one intermediate terminal transceiver.*** (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 7, Applicants respectfully submit that the cited art fails to suggest at least the features of claim 20 highlighted above. Thus, the 35 U.S.C. §103 rejection of claim 20 is improper and should be withdrawn.

Claims 22 and 32

Claims 22 and 32 presently stand rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Applicants submit that the pending dependent claims 22 and 32 contain all features of their respective independent claim 20. Since claim 20 should be allowed, as argued hereinabove, pending dependent claims 22 and 32 should be allowed as a matter of law for at least this reason.

In re Fine, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). In addition, these dependent claims recite features that are not suggested by the cited art.

For example, claim 32 recites “determining a difference between the second distance and the third distance, wherein the controlling step is based on the difference.” Applicants respectfully assert that the cited art fails to suggest each of the foregoing features of claim 32. Thus, the 35 U.S.C. §103 rejection of claim 32 is improper and should be withdrawn, notwithstanding the allowability of independent claim 20.

Claim 23

Claim 23 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Claim 23 reads as follows:

23. A method of ensuring spectral compatibility in a data communication system having a central office transceiver and an intermediate terminal transceiver coupled through a feeder distribution interface to a customer transceiver, the method comprising the steps of:

providing a table of power back-off values for adjusting transmission power levels of the intermediate terminal transceiver in order to ensure spectral compatibility between signals transmitted by the intermediate terminal transceiver and signals transmitted by the central office transceiver;

automatically determining a distance between the intermediate terminal transceiver and the customer transceiver based on signals communicated between the intermediate terminal transceiver and the customer transceiver;

selecting one of the power back-off values for the intermediate transceiver based on the determined distance, a distance between the intermediate terminal transceiver and the feeder distribution interface, and a distance between the central office transceiver and the feeder distribution interface; and

controlling, based on the selected power back-off value, the transmission power level of the intermediate terminal transceiver. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 7, Applicants respectfully submit that the cited art fails to suggest at least the features of claim 23

highlighted above. Thus, the 35 U.S.C. §103 rejection of claim 23 is improper and should be withdrawn.

Claim 24

Claim 24 presently stands rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* in view of *Gundrum*. Applicants submit that the pending dependent claim 24 contains all features of its independent claim 23. Since claim 23 should be allowed, as argued hereinabove, pending dependent claim 24 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 25

Claim 25 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* in view of *Gundrum*. Claim 25 reads as follows:

25. A method for reducing crosstalk in a data communication system having a central office transceiver residing at a central office and an intermediate terminal transceiver residing at an intermediate terminal, the central office transceiver coupled through a feeder distribution interface to a first customer transceiver residing at a first customer premises and the intermediate terminal transceiver coupled through a feeder distribution interface to a second customer transceiver residing at a second customer premises, the method comprising the steps of:

storing a value indicative of an approximate distance between the central office and the feeder distribution interface and a value indicative of an approximate distance between the intermediate terminal and the feeder distribution interface;

automatically determining a value indicative of an approximate distance between the intermediate terminal transceiver and the second customer transceiver;

selecting a transmission power level of the intermediate terminal transceiver based on each of the values; and

transmitting a signal from the intermediate terminal transceiver at the selected transmission power level. (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 7, Applicants respectfully submit that the cited art fails to suggest at least the features of claim 25 highlighted above. Thus, the 35 U.S.C. §103 rejection of claim 25 is improper and should be withdrawn.

Claim 26

Claim 26 presently stands rejected in the Office Action under 35 U.S.C. §103 as allegedly being unpatentable over the admitted prior art in view of *Darveau* in view of *Gundrum*. Applicants submit that the pending dependent claim 26 contains all features of its independent claim 25. Since claim 25 should be allowed, as argued hereinabove, pending dependent claim 26 should be allowed as a matter of law for at least this reason. *In re Fine*, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988).

Claim 27

Claim 27 presently stands rejected under 35 U.S.C. §103 as purportedly being unpatentable over the admitted prior art in view of *Darveau* and further in view of *Gundrum*. Claim 27 reads as follows:

27. A communication method, comprising the steps of:
transmitting a signal from at least one intermediate terminal transceiver through a cable to a first customer transceiver residing at a first customer premises, the cable coupled to a feeder distribution interface that is coupled to the at least one intermediate terminal transceiver and at least one central office transceiver, the cable propagating at least one signal transmitted from the at least one central office transceiver;
ensuring spectral compatibility between signals transmitted by the at least one intermediate terminal transceiver and signals transmitted by the at least one central office transceiver to a second customer transceiver residing at a second customer premises, the ensuring step comprising the step of ***automatically controlling a power output of the at least one intermediate terminal transceiver***, and
estimating a distance between the at least one intermediate terminal transceiver and the first customer transceiver based on at least one signal

transmitted between intermediate terminal transceiver and the first customer transceiver, ***wherein the controlling step is based on the estimated distance, a distance between the at least one intermediate terminal transceiver and the feeder distribution interface, and a distance between the at least one central office transceiver and the feeder distribution interface.*** (Emphasis added).

For at least reasons similar to those set forth above in the arguments for allowance of claim 7, Applicants respectfully submit that the cited art fails to suggest at least the features of claim 27 highlighted above. Thus, the 35 U.S.C. §103 rejection of claim 27 is improper and should be withdrawn.


CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

LANIER FORD SHAVER & PAYNE, P.C.

By:


Jon E. Holland
Reg. No. 41,077

2101 W. Clinton Avenue, Suite 102
Huntsville, Alabama 35805
(256) 713-2264